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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| | | | EXAMINER BURGESS, BARBARA N | |
| | | | ART UNIT 2157 | PAPER NUMBER |

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,789

Applicant(s)

TENEREILLO ET AL.

Examiner

Barbara N Burgess

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 6-8, 10, 12-15, 18, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Yu.

As per claims 1, 13-15, 18, 21-23, Yu discloses a computer-implemented method for providing a connection between a client and a server, the method comprising:

- Binding a primary virtual server to a set of URLs, each URL having an associated real server (column 11, lines 59-64, column 14, lines 14-19);
- Receiving a request from a client for connection to the primary virtual server (column 6, lines 10-21, column 11, lines 59-64, column 14, lines 43-55);
- Selecting one of the real servers for connection with the client (column 3, lines 57-61, column 4, lines 25-28, column 6, lines 10-13, 19-22, column 11, lines 59-64, column 14, lines 50-67);
- Sending a redirect message to the client specifying the selected real server (column 12, lines 58-63, column 14, lines 50-56, column 15, lines 33-37);

and

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- Receiving a new connection request from the client for connection with the selected real server (column 12, lines 58-63, column 14, lines 50-56, column 15, lines 33-37);

As per claim 6, Yu discloses the method of claim 1 wherein the client request is an HTTP request (column 2, lines 11-15, column 4, lines 25-28, column 6, lines 20-22, column 11, lines 14-17, column 14, lines 5-13).

As per claim 7, Yu discloses the method of claim 6 wherein the redirect is an HTTP redirect (column 2, lines 11-15, column 4, lines 25-28, column 6, lines 20-22, column 11, lines 14-17, column 12, lines 58-63, column 14, lines 50-56, column 15, lines 33-37).

As per claim 8, Yu discloses the method of claim 1 wherein selecting one of the real servers comprises load balancing the real servers (column 1, lines 22-25, column 3, lines 57-65, column 4, lines 60-67, column 12, lines 1-5, Abstract).

As per claim 10, Yu discloses the method of claim 1 further comprising providing a backup link for each of the real servers to one of the other real servers (column 6, lines 10-13, column 10, lines 5-40).

As per claim 12, Yu further discloses the method of claim 1 wherein receiving a request from a client comprises receiving a request at a local director (column 6, lines 10-21, column 11, lines 59-64, column 14, lines 43-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 9, 16-17, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Nguyen et al. (hereinafter "Nguyen", 6,609,213 B1).

As per claims 2, 16, Yu does not explicitly disclose the method of claim 1 further comprising binding each of the real servers to a virtual server, each pair of real and virtual servers having the same IP address.

However, the use and advantages of real and virtual servers having the same IP address is well known to one skilled in the relevant art at the time the invention was made as evidenced by Nguyen (column 5, lines 59-67, column 6, lines 1-20).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate both virtual and real servers having the same IP address in Yu's method in order for the virtual servers to provide standby or recovery service for the associated real server.

As per claims 3, 19-20, Yu further discloses the method of claim 2 wherein the IP address is associated with the URL of the corresponding real server (column 3, lines 1-14, column 4, lines 25-30, 60-65, column 6, lines 19-25, column 11, lines 14-17, column 12, column 14, lines 9-19).

As per claim 4, Yu discloses the method of claim 2 wherein each pair of real and virtual servers share weight assignments (column 3, lines 57-61, column 4, lines 25-28, column 6, lines 10-13, 19-22, column 11, lines 59-64, column 14, lines 50-67).

As per claim 5, Yu discloses the method of claim 2 wherein each pair of real and virtual servers share state information (column 3, lines 57-61, column 4, lines 25-28, column 6, lines 10-13, 19-22, column 11, lines 59-64, column 14, lines 50-67).

As per claims 9, 17, Yu does not explicitly disclose the method of claim 1 further comprising providing a backup link for each of the real servers to the primary virtual server. However, the use and advantages of providing a backup link for each real servers is well known to one skilled in the relevant art at the time the invention was made as evidenced by Nguyen (column 5, lines 59-67, column 6, lines 1-20).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate a backup link for the real servers in Yu's method in order for the virtual servers to provide standby or recovery service for the associated real server.

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Aziz et al (hereinafter "Aziz", 6,597,956 B1).

As per claim 11, Yu does not explicitly disclose the method of claim 1 further comprising binding an additional real server to the primary virtual server and load sharing between the new real server and the original set of real servers. However, the use and advantages of load sharing

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between the original virtual and real servers with additional real servers is well known to one skilled in the relevant art at the time the invention was made as evidenced by Aziz (column 11, lines 7-31).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to implement or incorporate load sharing between the original virtual and real servers with additional real servers Yu's method in order for the additional servers to serve web requests intended for the server farm like the original servers.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara N Burgess whose telephone number is (703) 305-3366. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Ettinene can be reached on (703) 308-7562. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Barbara N Burgess
Examiner
Art Unit 2157



MOUSTAFI M. MEKY
PRIMARY EXAMINER